IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5428 OF 2003

Rambhao Mahadeo Raut & Ors. **..Petitioners.**

v/s.

Bansi Shankar Ghadage & Ors. **..Respondents.**

Shri S.S.Patwardhan, advocate for petitioners.

CORAM: D.B.BHOSALE, J.

DATE : 10TH SEPTEMBER, 2004.

P.C. :-

1. This petition is directed against the order dated 3/5/2003 rendered by the Joint Charity Commissioner below Exh.23 in Appeal No. 36 of 2002 by which the application of the respondents was allowed. In Exh. 23-application the respondents prayed for sending the disputed and admitted signatures of the petitioners for opinion of the handwriting expert. The application was allowed and the following directions were given :

> 2. The disputed and admitted signatures and also handwriting

under change report No. 536/02 be sent for expert opinion on payment of token amount of Rs.1,000/- asking them to undertake full payment of handwriting expert.

3. The document be sent to handwriting experts Pune or Aurangabad for examination and opinion.

4. After expert opinion the case be fixed for final hearing."

2. Mr. Patwardhan, Learned counsel for the petitioners on instructions states that he is not pressing this petition and petitioners will be satisfied if the directions are given to the respondents to place on record disputed signatures forthwith for sending them to the handwriting expert alongwith the admitted signatures of the petitioners within a time fram.

3. I have perused the impugned order and the other

material placed before me. In my opinion the following order will meet the ends of justice.

a) The respondents are directed to place on record the disputed signatures of the petitioner within 5 weeks from the date of production of this order before the Joint Charity Commissioner.

b) Petitioners undertakes to communicate a copy of this order to the respondents by Registered AD and under postal certificate within 15 days from today.

c) On production of the disputed signatures of the petitioners on record, the same may be forwarded alongwith an admitted signatures to the handwriting experts within two weeks therefrom.

d) If the respondents fail to produce on record the disputed signatures within the time framed, the Joint Charity Commissioner shall ignore the impugned order dated 3/5/2003 and proceed with the hearing of the appeal. Petition is disposed of.

JUDGE.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1927 OF 2004

IN

WRIT PETITION NO.5428 OF 2003

Rambhao Mahadeo Raut & Ors. **..Petitioners.**

v/s.

Bansi Shankar Ghadage & Ors. **..Respondents.**

Shri S.S.Patwardhan, advocate for petitioners.

CORAM: D.B.BHOSALE, J.

DATE : 10TH SEPTEMBER, 2004.

P.C. :-

1. In view of the order passed in the Writ Petition the Civil Application is disposed of.